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PTO/SB/05 (03-01)

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**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	6923-118	Total Pages	85
<i>First Named Inventor or Application Identifier</i>			
Palese et al.			
Express Mail Label No.	EV 335 857 675 US		

**APPLICATION ELEMENTS**

See MPEP chapters 600 concerning utility patent application contents.

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| <p>1. <input checked="" type="checkbox"/> Fee Transmittal Form<br/><i>(Submit an original, and a duplicate for fee processing)</i></p> <p>2. <input checked="" type="checkbox"/> Applicant claims Small Entity status, see 37 C.F.R. § 1.27</p> <p>3. <input checked="" type="checkbox"/> Specification [Total Pages 56]<br/><i>(preferred arrangement set forth below, MPEP 1503.01)</i><br/>           - Descriptive title of the Invention<br/>           - Cross Reference to Related Applications<br/>           - Statement Regarding Fed sponsored R&amp;D<br/>           - Reference to Microfiche Appendix<br/>           - Background of the Invention<br/>           - Brief Summary of the Invention<br/>           - Brief Description of the Drawings (if filed)<br/>           - Detailed Description of the Invention (including drawings, if filed)<br/>           - Claim(s)<br/>           - Abstract of the Disclosure</p> <p>4. <input checked="" type="checkbox"/> Drawing(s) (35 USC 113) [Total Sheets 3]</p> <p>5. <input checked="" type="checkbox"/> Declaration and Power of Attorney [Total Sheets 4]<br/>           a. <input type="checkbox"/> Newly executed (original or copy)<br/>           b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d))<br/> <i>(for continuation/divisional with Box 18 completed)</i><br/>           i. <input type="checkbox"/> DELETION OF INVENTOR(S)<br/>           Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</p> <p>6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76</p> | <p>7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)</p> <p>8. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission<br/><i>(if applicable, all necessary)</i><br/>           a. <input type="checkbox"/> Computer Readable Form (CRF)<br/>           b. <input type="checkbox"/> Specification Sequence Listing on:<br/>           i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or<br/>           ii. <input type="checkbox"/> paper<br/>           c. <input type="checkbox"/> Statement verifying identity of above copies</p> |
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**ACCOMPANYING APPLICATION PARTS**

- |   |
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| <p>9. <input type="checkbox"/> Assignment Papers (cover sheet &amp; document(s))</p> <p>10. <input type="checkbox"/> 37 CFR 3.73(b) Statement<br/><i>(when there is an assignee)</i> <input type="checkbox"/> Power of Attorney</p> <p>11. <input type="checkbox"/> English Translation Document (if applicable)</p> <p>12. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations</p> <p>13. <input checked="" type="checkbox"/> Preliminary Amendment</p> <p>14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503)<br/><i>(Should be specifically itemized)</i></p> <p>15. <input type="checkbox"/> Certified Copy of Priority Document(s)<br/><i>(if foreign priority is claimed)</i></p> <p>16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(i). Applicant must attach form PTO/SB/35 or its equivalent</p> <p>17. <input type="checkbox"/> Other:</p> |
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18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation     Divisional     Continuation-in-part (CIP) | of prior application No.: 09/332,288 filed June 11, 1999.

Prior application information: Examiner: M. Mosher

Group Art Unit: 1648

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

Customer Number

20583  
Insert Customer No.

or  Correspondence address below

NAME			
ADDRESS			
CITY	STATE	ZIP CODE	
COUNTRY	TELEPHONE		FAX

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Prior application:                    Examiner M. Mosher  
     Art Unit 1648

Commissioner for Patents  
 P.O. Box 1450  
 Mail Stop PATENT APPLICATION  
 Alexandria, VA 22313-1450

Sir:

This is a request for filing a  continuation  divisional application under 37 CFR § 1.53(b), of pending prior application no. 09/332,288 filed on June 11, 1999.

of Peter Palese, Adolfo Garcia-Sastre and Thomas Muster

(inventor(s) currently of record in prior application)

for ATTENUATED NEGATIVE STRAND VIRUSES WITH ALTERED INTERFERON ANTAGONIST ACTIVITY FOR USE AS VACCINES AND PHARMACEUTICALS  
 (title of invention)

1.  Please consider the Preliminary Amendment prior to calculating the filing fee. The filing fee is calculated below:

**PATENT APPLICATION FEE VALUE**

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	58	- 20	38	\$18.00 each	\$ 684.00
Independent	5	- 3	2	\$86.00 each	\$ 172.00
			Minimum Fee		\$ 770.00
			Multiple Dependency Fee		\$ 290.00
			If Applicable (\$290.00)		
				Total	\$ 1916.00
					\$ 958.00
				Total Filing Fee	\$ 958.00

2.  Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.
- 3a.  A Preliminary Amendment is enclosed.
- 3b.  A new specification, substantially identical to the pending prior application and containing no new matter, is enclosed.
- 4a.  New formal drawings are enclosed.
- 4b.  Informal drawings are enclosed.

PENNIE & EDMONDS LLP DOCKET NO 6923-118

- 5a.  Priority of application no. filed on in is claimed under 35 U.S.C. §119.
- 5b.  The certified copy has been filed in prior application no. , filed
6.  The prior application is assigned of record to Mount Sinai School of Medicine of City University of New York on Reel 10544 Frame 0795 and Reel 10031 Frame 0189. Copies of a Request for Assignee's Change of Name on Notice or Recordation of Assignment Document, Recordation Form Cover Sheet and a copy of the certified Amendment of Charter on behalf of Mount Sinai School of Medicine of the City University of New York, reflecting a change of name to Mount Sinai School of Medicine of New York University, filed on July 21, 2003, are enclosed herewith.
- 7a.  Copies of the Declaration and Power of Attorney and Supplemental Declaration and Power of Attorney filed in the prior application no. 09/332,288, filed June 11, 1999 are enclosed.
- 7b.  A Power of Attorney is enclosed.
8.  This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application no., filed on be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application. A copy of the paper Sequence Listing from application no. is enclosed.
9.  The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no. is the same as the content of the computer readable form submitted in application no. .
10.  DO NOT PUBLISH. I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).
11.  Additional enclosures or instruction : Information Disclosure Statement (IDS)/PTO-1449

Respectfully submitted,

Date November 14, 2003

Laura A. Coruzzi 30,742  
Laura A. Coruzzi (Reg. No.)  
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New York, New York 10036-2711

By: Jennifer J. Chedra  
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